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9-30-05

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Shinya MATSUOKA

Serial No. : 09/487,593

Group Art Unit: 2155

Date Filed : January 19, 2000

Examiner: K. Dinh

For

SPATIALIZED AUDIO IN A THREE-DIMENSIONAL, COMPUTER-BASED SCENE

Assistant Commissioner for Patents  
Washington, D.C. 20231**RECEIVED**1185 Avenue of the Americas  
New York, N.Y. 10036

OCT 30 2002

**Technology Center 2100****REQUEST FOR WITHDRAWAL OF ERRONEOUS NOTICE OF ABANDONMENT**

Sir:

Applicant's undersigned attorney received a Notice of Abandonment dated September 27, 2002 (copy enclosed) in the above-identified application.

In response, Applicant points out that a timely Notice of Appeal was filed on March 21, 2002 in response to the Office Action dated September 21, 2001. A copy of the Notice of Appeal, Petition for Extension of Time and stamped return postcard showing receipt by the USPTO of the Notice of Appeal on March 28, 2002 are enclosed herewith.

An RCE is being filed concurrently herewith.

Although it is believed that no fees are required with this Request, the Commissioner is authorized to charge any required fees, or credit any overpayment, to our Deposit Account No. 03-3125.

Respectfully submitted,

RICHARD F. JAWORSKI  
Registration No. 33,515  
Attorney for Applicant  
Cooper & Dunham LLP  
Tel.: (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to:  
Assistant Commissioner for Patents,  
Washington, D.C. 20231.

Richard F. Jaworski  
Reg. No. 33,515

Oct. 21, 2002  
Date

OCT 28 2002

Application No.  
09/487,593

Applicant(s)

MATSUOKA

**Notice of Abandonment**

Examiner

Khanh Dinh

Art Unit

2155

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

This application is abandoned in view of:

*Brief Deadline 10/21/02*

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on Sep 21, 2001. Pet/Revive: 11/27/02

(a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on 2 2002

(b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.)

(c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below.)

(d)  No reply has been received.

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2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b)  The submitted issue fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$ \_\_\_\_\_

(c)  The issue fee and publication fee, if applicable, has not been received.

3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a)  Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

(b)  No corrected drawings have been received.

4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6.  The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7.  The reason(s) below:

AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,593	01/19/2000	Shinya Matsuoka	10476-013002	3339

7590 09/27/2002

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EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 09/27/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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